

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: January 31, 2008

JUDGE: Phyllis J. Hamilton

Case No: C-07-5437 PJH

Case Name: Pamela Thompson v. Conseco Senior Health Insurance Company

Attorney(s) for Plaintiff: Michael Guta

Attorney(s) for Defendant: Mark Wodin

Deputy Clerk: Nichole Heuerman

Court Reporter: Not Reported

**PROCEEDINGS**

Initial Case Management Conference-Held. Defense counsel informs that court that he intends to file an additional motion to dismiss the first amended complaint. The court informs the parties that the motion will most likely be decided on the papers but should still be noticed for hearing on a 35 day briefing schedule. The court sets a pretrial schedule.

**REFERRALS:**

Case referred to ADR for Mediation to be completed within 120 days. ✓

**PRETRIAL SCHEDULE:**

- Non Expert Discovery cutoff: 9/10/08
- Expert disclosure: 11/12/08
- Expert discovery cutoff: 12/31/08
- Motions heard by: 11/5/08
- Pretrial Conference: 3/5/09
- Trial: 3/30/09 at 8:30 a.m., for 6 days, by  Jury  Court

Order to be prepared by:  Pl  Def  Court

Notes:

cc: file; ADR

# **EXHIBIT 2**

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8 **UNITED STATES DISTRICT COURT**

9 **Northern District of California**

10 Thompson, 07-05437 PJH MED  
11 Plaintiff(s), Notice of Appointment of Mediator  
12 v.  
13 Conseco Senior Health Insurance  
14 Company,  
15 Defendant(s).

16 TO COUNSEL OF RECORD:

17 The court notifies the parties and counsel that the Mediator assigned to this case  
18 is:

19 **John Koeppel**  
20 Ropers, Majeski, Kohn & Bentley  
21 201 Spear St., Suite 1000  
San Francisco, CA 94105  
415-543-4800

22 Counsel shall familiarize themselves with the requirements of ADR L.R. 6 which  
23 governs the Mediation program. The mediator will schedule a joint phone conference  
24 with counsel under ADR L.R. 6-6 and will set the date of the mediation session within  
25 the deadlines set by ADR L.R. 6-4 or the court order referring this action to mediation.  
26 The court permits the mediator to charge each party its pro rata share of the cost of the  
27 phone conference.

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1 Counsel are reminded that the written mediation statements required by the ADR  
2 L.R. 6-7 shall NOT be filed with the court.  
3  
4

Dated: February 14, 2008

5 RICHARD W. WIEKING  
6 Clerk  
7 by: Alice M. Fiel  
8



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ADR Case Administrator  
415-522-3148  
Alice\_Fiel@cand.uscourts.gov

# EXHIBIT 3

Thompson

1. Def. will pay \$ 0 fee  
attys 14,500.00
2. Pl. will dismiss the entire  
action with prejudice
3. Pl. & Ltr atty will execute a  
release & settlement agreement  
proposed by def. which will  
include a provision for confidential

Michael J. Thompson  
T. A. H.  
Amber Thompson

Steven M. Miller Assoe.  
Defendant Cen.  
counsel

WHD

atty for def.

Pl. 4. There will be no further  
PLA claims made under the R of the  
LAW. The settlement is enforceable

Pl. Pursuant to CCP 664.6.

# **EXHIBIT 4**

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7 PAMELA THOMPSON,

8 Plaintiffs,

9 v.  
10 CONSECO SENIOR HEALTH  
11 INSURANCE COMPANY,12 Defendant(s).  
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No. C07-054347 PJH

**Certification of ADR Session**

15 **Instructions:** The neutral shall submit this Certification to the ADR unit within 10 days after  
16 completing an ADR Session. The ADR unit will file-stamp the Certification and place it in the court  
17 file.

18 1. I hereby certify that the parties in this matter held a  Mediation or  ENE

19 session on (date) May 29, 2008

20 2. Did the case settle?  fully  partially  no

21 3. If the case did not settle fully, is any follow-up contemplated?

22  another session scheduled for (date) \_\_\_\_\_

23  phone discussions expected by (date) \_\_\_\_\_

24  no

25 ///

26 ///

27 ///

28 ///

1 4. IS THIS ADR PROCESS COMPLETED?

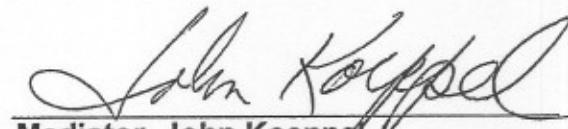
YES

NO

2 Dated: 5/30/2008

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Mediator, John Koeper  
Ropers, Majeski, Kohn & Bentley  
201 Spear Street, Suite 1000  
San Francisco, CA 94105



# **EXHIBIT 5**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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6 PAMELA THOMPSON,

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Plaintiff(s),

No. C 07-5437 PJH

8

v.

**ORDER OF DISMISSAL**

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CONSECO SENIOR HEALTH INS CO,

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Defendant(s).

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An ADR certification having been filed noting the settlement of this matter and  
counsel for the parties, having advised the court that they agreed to a conditional dismissal,  
IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice;  
provided, however that if any party hereto shall certify to this court, within sixty (60) days,  
with proof of service thereof, that the agreed consideration for said settlement has not been  
delivered over, the foregoing order shall stand vacated and this cause shall forthwith be  
restored to the calendar to be set for trial.

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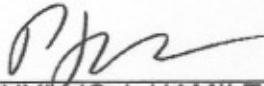
The parties may substitute a dismissal **with** prejudice simply by submitting a  
stipulation and order for dismissal with prejudice within sixty (60) days.

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SO ORDERED.

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Dated: June 5, 2008

  
\_\_\_\_\_  
PHYLLIS J. HAMILTON  
United States District Judge

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